

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

BIO-RAD LABORATORIES, INC. and PRESIDENT  
AND FELLOWS OF HARVARD COLLEGE

Plaintiffs,

v.

10X GENOMICS, INC.,

Defendant.

C.A. No. 1:19-cv-12533-WGY

10X GENOMICS, INC.,

Counterclaim Plaintiff,

and

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE,

Counterclaim Co-Plaintiff as to certain  
claims,

v.

BIO-RAD LABORATORIES, INC.,

Counterclaim Defendant,

and

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE,

Counterclaim Co-Defendant as to DJ  
counterclaims.

**DECLARATION OF UTSAV GUPTA IN SUPPORT OF MEMORANDUM IN SUPPORT  
OF 10X GENOMICS, INC.'S MOTION TO EXTEND FACT DISCOVERY**

I, Utsav Gupta, declare as follows:

1. I am an attorney at the law firm of Tensegrity Law Group LLP, counsel of record for Defendant and Counterclaim Plaintiff 10X Genomics, Inc. ("10X") in the above-captioned matter. I am an attorney in good standing licensed to practice in the State of California and have

been admitted to practice *pro hac vice* before this Court. I submit this declaration in support of Memorandum in Support of 10X Genomics, Inc.’s Motion to Extend Fact Discovery.

2. Attached hereto as **Exhibit A** is a true and correct copy of email correspondence between N. Saputo, Counsel for 10X, A. Sawyer, Counsel for Bio-Rad, and others, with subject line “Re: 10X Case No. 12533 – Meet and Confer,” dated September 24, 2020.

3. Attached hereto as **Exhibit B** is a true and correct copy of a letter correspondence from D. Radke, Counsel for 10X, to A. Sawyer, Counsel for Bio-Rad, regarding Continuing Deficiencies in Bio-Rad’s Document Production, dated September 18, 2020.

4. Attached hereto as **Exhibit C** is a true and correct copy of email correspondence between D. Radke, Counsel for 10X, A. Sawyer, Counsel for Bio-Rad, R. Rodrigues, Counsel for Harvard, and others, with subject line “Re: Bio-Rad/10X: Discovery deficiencies,” dated September 18, 2020.

5. Attached hereto as **Exhibit D** is a true and correct copy of email correspondence between J. Robinson, Counsel for 10X, and J. Constant, Counsel for Bio-Rad, R. Rodrigues, Counsel for Harvard, and others, with subject line “Re: Bio-Rad v. 10X, 1:19-cv-12533, 10X 30(b)(1) Deposition Notices,” dated September 23, 2020.

6. Attached hereto as **Exhibit E** is a true and correct copy of email correspondence between R. Rodrigues, Counsel for Harvard, U. Gupta, Counsel for 10X, E. Ranks, Counsel for Stilla, and others, with subject line “Bio-Rad v. 10X/Stilla – Depositions of Weitz and Gordon,” dated September 28, 2020.

7. Attached hereto as **Exhibit F** is a true and correct copy of email correspondence between K. White, Counsel for 10X, D. Walter, Counsel for Grant Thornton, and others, with subject line “Re: Grant Thornton production,” dated August 27, 2020.

8. Attached hereto as **Exhibit G** is a true and correct copy of email correspondence between M. Stein, Counsel for Blacktrace Inc., K. White, Counsel for 10X, and others, with subject line “Re: Subpoena to Blacktrace Inc. re: Bio-Rad Laboratories, Inc. v. 10X Genomics, Inc. 19-civ-12533-WGY,” dated July 17, 2020.

9. Attached hereto as **Exhibit H** is a true and correct copy of email correspondence between K. White, Counsel for 10X, J. Constant, Counsel for Pacific Biosciences of California, and others, with subject line “Re: Third Party Pacific Biosciences of California, Inc.’s Responses and Objections to 10x Genomics, Inc’s Notice to Subpoena,” dated August 12, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on September 29, 2020, in Rancho Santa Fe, California.

/s/ Utsav Gupta  
Utsav Gupta